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NOTIFICATION.

LA4-144|1953. *18th February 1953.*

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238 clause (11) of the Constitution of India).

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE MUNICIPAL (TEMPORARY PROVISIONS) BILL

Preamble.

WHEREAS it is expedient further to amend the Trivandrum City Municipal Act, IV of 1116, the Travancore District Municipalities Act, 1116, (XXIII of 1116) and the Cochin Municipal Act, XVIII of 1113 for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title, commencement, and duration.

1. (1) This Act may be called the Municipal (Temporary Provisions) Act, 1953.

(2) It shall come into force at once.

(3) It shall cease to be in force at noon on the first day of January 1956 except as respects things done or omitted to be done before noon on that date; and

Section 7 of the Travancore-Cochin Interpretation and General Clauses Act, 1125 (VII of 1125) shall apply as if this Act had then been repealed by an Act of the Travancore-Cochin State Legislature.

The Municipal Acts to have effect subject to certain modifications.

2. During the continuance in force of this Act, the provisions of the Trivandrum City Municipal Act, IV of 1116, the Travancore District Municipalities Act, 1116 (XXIII of 1116), and the Cochin Municipal Act, XVIII of 1113 shall have effect subject to the following modifications:—

(1) In the Trivandrum City Municipal Act, IV of 1116—

(a) to sub-section (1) of Section 57, the following proviso shall be added, namely:—

"Provided that in the case of the Council constituted immediately before the commencement of the Municipal (Temporary Provisions) Act, 1953, the term of office of the Councillors shall be for the period beginning at noon on the fifteenth day of February 1953 and expiring at noon on the first day of January 1956";

(b) in Section 365—

(i) in the opening paragraph, for the words "and the power to issue notifications under Section 46 are", the words "shall be" shall be substituted;

(ii) in clause (*a*), the words "or notification" shall be omitted.

(2) In the Travancore District Municipalities Act 1116 (XXIII of 1116)—

(*a*) for the proviso to sub-section (1) of Section 8, the following proviso shall be substituted, namely:—

"Provided that in the case of the Councils constituted immediately before the commencement of the Municipal (Temporary Provisions) Act, 1953, the term of office of the Councillors shall be for the period beginning at noon on the fifteenth day of February 1953 and expiring at noon on the first day of January 1956";

(b) after Section 392, the following section shall be inserted, namely:—

Special provisions in the case of newly constituted Councils.

"392A. (1) Notwithstanding anything contained in this Act, when a Municipality is constituted for the first time, the Government may appoint a special Officer to exercise the powers, discharge the duties and perform the functions of a Municipal Council and its Chairman and executive authority.

(2) The Special Officer shall cause arrangements for election to be made so that the newly elected Councillors may come into office on a day to be fixed by the Government.

(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions of the Municipal Council until the Council has been constituted, of the Chairman until a Chairman has been elected by the Council and of the executive authority until a Chairman has been elected or a Commissioner has been appointed, as the case may be.

(4) As soon as may be, after the constitution of the Council, a meeting of the Council shall be held on a day and at a time fixed by the Special Officer for the election of a Chairman. If at such meeting no Chairman is elected, a fresh election shall be held on such day and at such time as may be fixed by the Special Officer.

(5) The term of office of the Councillors or of the Councillors elected in their places at casual vacancies shall expire at the end of three years if the day referred to in sub-section (2) is the first day of January and in other cases at the end of three years from the first day of January immediately preceding such day."

(3) In the Cochin Municipal Act, XVIII of 1113—

(a) to sub-section (i) of Section 8, the following proviso shall be added, namely:—

"Provided that in the case of the Councils constituted immediately before the commencement of the Municipal (Temporary Provisions) Act, 1953, the term of office of the Councillors shall be for the period beginning at noon on the fifteenth day of February 1953 and expiring at noon on the first day of January 1956";

(b) in sub-section (5) of Section 374, for the word "November" in both places where it occurs the word "January" shall be substituted.

Budget provisions of Municipal Acts to have effect subject to certain modifications.

3. In their application to the preparation and passing of the budget estimates of the Corporation of Trivandrum and the Municipal Councils constituted under the Travancore District Municipalities Act, 1116 (XXIII of 1116) for the financial year commencing on the first day of April 1953, the provisions of the Trivandrum City Municipal Act, IV of 1116 and the Travancore District Municipalities Act, 1116 (XXIII of 1116) shall have effect subject to the following modifications:—

(1) In the Trivandrum City Municipal Act, IV of 1116—

(a) in Section 159, for the words "fifteenth day of January each year," the words and figures "last day of February 1953" shall be substituted;

(b) in Section 160, for the words "fifteenth day of January" in sub-section (1), the words and figures "last day of February 1953" and for the words "fifteenth day of February" in sub-section (3), the words and figures "fifteenth day of March 953" shall be substituted;

(c) in Section 161, for the words "first week of March," the words and figures "last week of March 1953" shall be substituted;

(2) In Section 127 of the Travancore District Municipalities Act, (XXIII of 1116) 1116, for the words "before the end of January in each year" the words and figures "before the end of the first week of March 1953" shall be substituted.

Repeal and Saving.

4. (1) The Municipal (Temporary Provisions) Ordinance, 1952 (IV of 1952) is hereby repealed.

(2) The repeal by this Act of the said Ordinance shall not affect the previous operation thereof and any order made, action taken, thing done or notification issued in the exercise of any powers conferred by the said Ordinance shall, for all purposes, be deemed to have been made, taken, done or issued in the exercise of powers conferred by this Act as if this Act were in force at the time such order was made, action was taken, thing was done or notification was issued.

Statement of Objects and Reasons.

Under the Trivandrum City Municipal Act, the Travancore District Municipalities Act and the Cochin Municipal Act as amended, the term of office of the Councillors of the Corporation of Trivandrum and the other Municipal Councils in the State extended up to the 1st January 1953. Accordingly, steps were taken to hold the elections in October and November. But it, however, became necessary to postpone the elections to January and February. Consequently, the Municipal Acts had to be amended to further extend the term of the existing Councils up to 15th February 1953. The further extension of the term resulted in the adoption of temporary provisions for the following purposes:—

(1) limiting the term of the new Councils to less than three years so that the next Councils would come into office on the 1st January 1956; and (2) altering the dates for the preparation and passing of the budget estimates for the financial year commencing on the 1st April 1953. It was also necessary to make provision for the appointment of a Special Officer to exercise the powers and discharge the functions of Chairman and Council of certain newly constituted municipailties until the Councils for those municipalities are duly constituted after general elections. Accordingly, His Highness the Rajpramukh promulgated the Municipal (Temporary Provisions) Ordinance, 1952 to give effect to the objects referred to above. The present Bill is intended to replace the Ordinance by an Act of the Legislature.

K. KOCHUKUTTAN.

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